UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,968	09/15/2000	Tyson Winarski, Esq.	110/103	3019

29455 7590 09/09/2003

TYSON YORK WINARSKI
428 EAST SUSAN LANE
TEMPE, AZ 85281

EXAMINER
VIG, NARESH

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/662,968	WINARSKI, ESQ. ET AL.	
	Examiner	Art Unit	
	Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorthala US Patent 6,189,246 in view of Gabbard et al. US Patent 6,205,432 hereinafter known as Gabbard, and further in view of Albert et al. US Patent 6,252,564 hereinafter known as Albert and Stone et al. US Patent 6,446,045 hereinafter known as Stone.

Regarding claims 1, 7 and 9, Gorthala discloses billboard capable of remote control operation, animation, and color accentuation. Gorthala states "electronic billboards with remote operation capability are becoming popular now." [col. 1, lines 20 – 21].

Gorthala discloses that a personal computer (billboard computer) can be used to draw the three-dimensional image that needs to be displayed on the billboard (i.e. billboard has a display). The dimensions (or coordinates) of each pixel (for each rod) will

be known from the three-dimensional drawing. If the computer is equipped with an I/O (Input/Output) control, appropriate control signals can be generated by the computer and input to the actuators. This method can be used not only for changing the billboard display as frequently as possible, but also for display animation. Remote operation can be achieved through a telephone modem line, radiowave/microwave communication or digital satellite linking [col. 4, lines 5 – 23].

Gorthala does not disclose antenna. Official notice it taken that it have been obvious to one of ordinary skill in the art at the time the invention was made that for wireless communication requires antenna, satellite dish etc. to enable communication for data transfer. For example, cell phones have antenna, satellite communication uses a satellite dish as an antenna which is pointed towards the satellite to receive signals, VSAT is a known technology used by business for transmission of data between central site and remote sites, DirecPC (available for public use) enabled for transmitting from the server to the requester. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that to implement a wireless connectivity between the remote site (billboard) and central site (control center), an antenna needs to be installed for uploading the information to the satellite which is transmitted to the remote site, and, receive the transmitted data which is transmitted as airwaves from the satellite.

Gorthala does not disclose an advertisement stored as a digital file. Gabbard teaches that The advertisement file itself is often a graphical file [col. 10, lines 34 – 35]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to store the advertisement as a digital file to be able to electronically transmit the advertisement to the remote location over the communication network.

Gorthala does not disclose digital file is uploaded to said main computer through said global computer network. However, Gorthala discloses that remote operation can be achieved through a telephone modem line, radiowave/microwave communication or digital satellite linking [col. 4, lines 20 – 23]. Albert teaches that the control system 1008 functions as a user interface that permits the user to design, author, test, collaborate, approve and/or transmit images and commands that are sent to the display receivers. In still another embodiment, the control system 1008 functions as a data transmission system that pre-processes data into a format suitable for the data receivers or subsets thereof, transmits the data by the method necessary or most suitable for each data receiver, schedules the transmission of the data according to desired criteria, verifies that the data was properly sent, receives and processes any information uploaded from the data receivers 1006, resends messages that may not have been received, generates reports of such activities, and/or generates messages to field personnel indicating potential service requirements [col. 19, line 54 – col. 20, line 16]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that in Gorthala, digital file is transmitted as a signal to the remote device (billboard) to be able to control the billboard from a remote (control center) location.

Gorthala does not disclose purchasing amount of advertising time. Official notice it taken that it have been obvious to one of ordinary skill in the art at the time the

invention was made the business purchase advertising time from the advertising company to display their (business) advertisement. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a business will purchase a timeslot from the advertising company to display business's advertisement. For example, advertisement seen at a sporting event.

Gorthala does not disclose transmission of the presentation material to the billboard. Stone teaches that its Presentation Generation Program either transmits the presentation to the appropriate destination or holds it for a publication date (time purchased by the business) to be submitted for a particular deadline or predetermined promotional market [col. 3, lines 31 – 34]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit presentation material to the billboard to display the advertisement, complete the transaction and bill the customer for services rendered.

Regarding claim 2, Gorthala discloses Remote operation can be achieved through a telephone modem line, radiowave/microwave communication or digital satellite linking. Official notice it taken that in order for Gorthala to use satellite linking, Gorthala system will require to communicate with a satellite for information exchange, and, in communication through a satellite, information is uploaded to the satellite (satellite receives said digital file from said communication server) and transmits

received information (digital file) to the receiving destination (billboard) through the antenna capable of communicating with the satellite.

Regarding claims 3 – 5, neither Gorthala does not discloses the display to be electroluminescent display, liquid crystal display or a light emitting diode display (CRT). Albert teaches that Emissive electroluminescent films and organic light emitting diode films can be deposited on flexible substrates to create flexible displays [col. 1, lines 63 – 67], and, The electronic display 1004 can operate by principles known to the art of LCDs, plasma displays, CRTs, electrophoretic displays or encapsulated electrophoretic displays [col. 19, lines 19 – 22]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to support plurality of display types to make the system and method adaptable to customer billboard advertisement environment.

Regarding claims 6 and 8, Gorthala does not disclose web-site contained on main computer (web server) accessible on said global computer network (world wide web). Albert teaches the control system (server) 1008 functions as a user interface that permits the user to design, author, test, collaborate, approve and/or transmit images and commands that are sent to the display receivers [col. 19, lines 55 – 60]. The control system may utilize the Internet or the World Wide Web as a user interface, as a data

transmission mechanism, as an error-checking protocol, as a messaging service, as a programming environment or in any suitable fashion [col. 20, lines 17 – 21]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the server accessible over the internet to save on communication network implementation costs by using the readily available network like internet for communication.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Wynblatt et al. US Patent 6,219,696
2. Lowe et al. US Patent 6,298,218
3. How Laptops Work
4. How Plasma Displays Work
5. How LCDs Work
6. How Computer Monitors Work

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Naresh Vig

August 22, 2003

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
CENTER 3600